

MAY 17 2006

ORDER OF COMMISSIONSECRETARY OF STATE
COMMISSIONS DIVISION

In the matter of Objection Nos. 020-081 filed by Harold G. Butzer on April 10, 2006, to Annual Wage Order No. 13 pertaining to the wage rate for Plumber and Pipe Fitter in the Missouri Counties of Adair - Section 001, Audrain - Section 004, Bollinger - Section 009, Boone - Section 010, Butler - Section 012, Callaway - Section 014, Cape Girardeau - Section 016, Camden - Section 015, Carter - Section 018, Chariton - Section 021, Clark - Section 023, Cole - Section 026, Cooper - Section 027, Crawford - Section 028, Dent - Section 033, Dunklin - Section 035, Gasconade - Section 037, Grundy - Section 040, Howell - Section 046, Howard - Section 045, Iron - Section 047, Knox - Section 052, Lewis - Section 056, Lincoln - Section 057, Linn - Section 058, Livingston - Section 059, Macon - Section 061, Madison - Section 062, Maries - Section 063, Marion - Section 064, Mercer - Section 065, Miller - Section 066, Mississippi - Section 067, Moniteau - Section 068, Monroe - Section 069, Montgomery - Section 070, New Madrid - Section 072, Oregon - Section 075, Osage - Section 076, Pemiscot - Section 078, Perry - Section 079, Phelps - Section 081, Pike - Section 082, Pulaski - Section 085, Putnam - Section 086, Ralls - Section 087, Randolph - Section 088, Reynolds - Section 090, Ripley - Section 091, St. Francois - Section 095, Ste. Genevieve - Section 094, Schuyler - Section 102, Scotland - Section 103, Scott - Section 104, Shannon - Section 105, Shelby - Section 106, Stoddard - Section 107, Sullivan - Section 109, Texas - Section 111, Warren - Section 113, Wayne - Section 115 and Washington - Section 114; issued by the Division of Labor Standards, Department of Labor and Industrial Relations, filed with the Secretary of State: March 10, 2006.

Preliminaries

On March 10, 2006, the Division of Labor Standards (Division) filed with the Missouri Secretary of State a certified copy of the initial determination of the prevailing hourly wages in each locality for each occupational title (Annual Wage Order No. 13). On April 10, 2006, Harold G. Butzer, Objector, filed an objection to the wage rate for the occupation titles of Plumber and Pipe Fitter in the above referenced counties. On May 1, 2006, Plumbers' and Pipefitters' Local 562, Intervenor, intervened in the above-referenced objections.

Statutes and Regulations

Section 290.262.3 RSMo (2000), provides:

At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to a determination or a part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection. If no objection is filed, the determination is final after thirty days.

The Commission has issued 8 CSR 20-5.010 setting forth the procedures for the hearing of objections filed pursuant to the above-quoted section, which regulation reads, in part:

(3)(A) Before any hearing, the commission, at its discretion, may direct the parties or their attorneys to appear before it for a conference to consider.

1. The simplification of the issues;
2. The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;

3. The limitation of the number of witnesses;
4. The prefiling of sworn, direct testimony and supporting documents; and,
5. Such other matters as may aid in the disposition of the hearing.

(4)(B) 4. No direct evidence, other than the testimony and documents filed at the prehearing conference, will be allowed at the hearing, except at the discretion of the Commission.

Prehearing Conference

On May 4, 2006, pursuant to 8 CSR 20-5.010(3)(A), a prehearing conference was convened on the above-referenced Objections for the purpose of aiding in the disposition of the hearing.

Present at the prehearing conference were:

Michael Pritchett, Assistant Attorney General, Counsel for the Division;
Allen E. Dillingham, for the Division;
James J. Boeckman, for the Division;
Harold G. Butzer, Objector;
Scott R. Pool, Counsel for Objector; and,
Jeffrey E. Hartnett, Counsel for Intervenor.

The following evidence was prefiled at the prehearing conference:

For Objector:

None

For the Division:

The prepared direct testimony of Allen E. Dillingham, Director of the Missouri Division of Labor Standards, and referenced exhibits.

For Intervenor:

Affidavits of Daniel Murphy and James Lane with copies of the collective bargaining agreement.

After the prehearing conference adjourned, Objector filed with the Commission a Request for Continuance of the Prehearing Conference Date from May 4, 2006, to May 15, 2006, for the prefiling of direct testimony and supporting documents. Objector's request is denied. Pursuant to 8 CSR 20-5.010(4)(B)4, we decline to hear any evidence that was not prefiled at the prehearing conference.

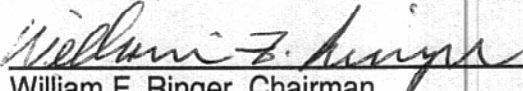
Order

Having preserved no evidence for admission at the scheduled hearing, Objector cannot prevail in his objections. We overrule Objection Nos. 020-081 to Annual Wage Order No. 13, challenging the wage rates determined for the occupational titles of Plumber and Pipe Fitter in the above-listed counties. We affirm the wage rates as set forth in Annual Wage Order No. 13 filed with the Secretary of State on March 10, 2006.

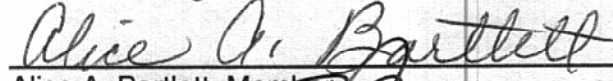
The hearing of Objection Nos. 020-081 scheduled for May 22, 2006, is cancelled.

Given at Jefferson City, State of Missouri, this 17th day of May 2006.

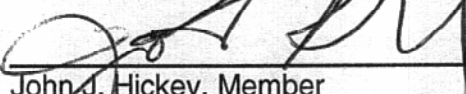
LABOR AND INDUSTRIAL RELATIONS COMMISSION



William F. Ringer, Chairman

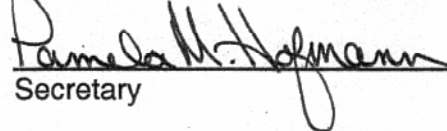


Alice A. Bartlett, Member



John J. Hickey, Member

Attest:



Secretary